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## Rawls and the Left: Some Left Critiques of Rawls' Principles of Justice

*Abstract:* This is an examination of some Left critiques of Rawls. Stress is put, not on his underlying moral methodology, including his contractarianism, though surely there is need for such a critique as well, but on an examination of his principles of justice, particularly his equal liberty principle and his difference principle. This is often thought to be the heart of his theory. It is argued that Rawls' asocial and ahistorical approach and his ignoring of questions of power and of ideology and his lack of an adequate conceptualization of liberty lead to major distortions in his account. Both principles are shown to be problematic and the equal liberty principle is shown to be in conflict with the difference principle.

### I

I want to examine some key Left critiques of Rawls. There is by now, particularly in the Anglo-American tradition, a Rawls industry devoted to an examination and critique of his *A Theory of Justice*.<sup>1</sup> In spite of all this activity, there is much concerning his work which is still in dispute, but there is also a not inconsiderable number of issues about which there is something approaching a consensus concerning both the strength of Rawls' account and its problematic features. Left critics are in certain respects a part of that consensus though they are also concerned, in a way other critics usually have not been, to expose what they believe to be the underlying ideological conceptions in Rawls' work and to reveal its role in the intellectual defense of welfare state capitalism. They are, of course, concerned to assess the soundness of Rawls' arguments and the adequacy of his philosophical conceptions, but they are also concerned to make evident its implicit ideological framework. I want to articulate and in a preliminary way examine some of this critique here, focussing particularly on the part directed at his two principles of justice. It is important to note, however, that this is only part of the Left critique. A fuller account would also consider their critique of his conception of 'moral methodology' (including his method of reflective equilibrium, his contractarian method and the underlying philosophical method utilized in it), his account of the primary social goods, his conception of rationality and its use, his way of distinguishing between ideal/non-ideal theory and the work that that distinction does in his theory and finally his selective utilization of the human sciences. It would, in particular, look for distorting ideological elements even in very abstract elements in his theory. In an extended appraisal and a sorting out of his 'challenge from the Left', these various criticisms need to be examined both separately and together as part of a more holistic critique. My task

here shall be the more limited one of trying to examine such critiques of Rawls' two principles of justice.

My use of 'Left critiques' is a broad one. I have in mind most centrally Marxist and quasi-Marxist critics but I also have in mind critics, without any distinctive Marxist orientation, who adumbrate a more egalitarian conception of justice than Rawls', are more sensitive to the import of ideological distortions and to the social formation of knowledge and who are more skeptical than both Rawls and many of his non-Left critics of Rawls' rather formal philosophical method.

It is not, of course, that there is a Rawls industry that makes it so important to closely examine Rawls. However, the reasons why this is a crucial thing to do are not hard to find. His account is the most systematic, original, probingly reasoned and morally discerning account of morality to have been produced, at least in the English speaking world, in our century. It does what J.S. Mill and Sidgwick together did for the Nineteenth Century. Indeed Rawls' own account of methods is much less divided than Sidgwick's while possessing the same deep mastery of the subject together with the same self-conscious awareness of a range — I do not say in the case of either Sidgwick or Rawls the whole range — of objections that can reasonably be made to his account. But it is also the most extensive and systematic defense of revisionist liberalism to have been developed in our century. Rawls is aware that classical liberalism affords an inadequate rationale for our social order and develops in its stead a revisionist account in an attempt to, in a systematic way, replace the old defense of a liberal world-view.<sup>2</sup> Liberal ideology is the dominant ideology in the bourgeois democracies and indeed it is an ideology that most of us are deeply affected by in one way or another even when we are in fierce opposition to it. This being so, it is crucial to assess this probing and sophisticated articulation and defense of this world-view and to spot, if that can fairly be done, the underlying ideology in a view of the social world which certainly intends to be thoroughly non-ideological. The Left sees it as not just a systematic view of social reality but as an ideology with all the distortion in favor of class interests that that implies. Rawls, of course, sees it as a non-ideological, though, of course, fallibilistic account of one important domain of social reality. It is important, if we can, to try to ascertain who is right and why.

## II

I want to examine what many believe to be the heart of Rawls' system, namely his two principles of justice, his conception of self-respect and the role the latter plays in his theory of justice. If the arguments I set forth here come close to being correct, we shall see that ideological elements are deeply embedded in his account. Here Rawls' revisionist liberalism clearly reveals itself.

Rawls' *first principle* of justice (the *equal liberty principle*) is the principle that each "person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (Rawls 1971, 62).

His *second principle of justice*, the first part of which is his famous *difference principle*, is the principle that “social and economic inequalities are to be arranged so that they are both: a) to the greatest benefit of the least advantaged, consistent with the just savings principle and b) attached to offices and positions open to all under conditions of fair equality of opportunity” (62). Once, Rawls remarks, we have secured a system of equal liberty, where any inequalities of liberty that persist only strengthen the total system of liberty, we have to consider when *economic* inequalities are justified. (Notice the operative question is ‘when’ not ‘whether’!) The second principle is designed to show when economic inequalities are just or are at least justified. It is a rather more precise statement of, as well as a modification of, the cruder and less adequate, but intuitively more obvious, statement of “Justice as Fairness”, that “inequalities are arbitrary unless it is reasonable to expect they will work out for everyone’s advantage, and provided the positions and offices to which they attach, or from which they may be gained are open to all” (Rawls 1958, 164–6).

Let us begin our examination of Left critiques which argue that these principles of justice are not only mistaken, they are also unwittingly ideological, by citing a sweeping claim Robert Paul Wolff makes about Rawls’ principles. Rawls, we should first recall, believes that his principles of justice are neutral with respect to socialism and capitalism; Wolff, by contrast, believes that they actually give expression, in an abstract form, to the principles of a liberal capitalist welfare state. “Principle I enunciates the essence of the system of legal and political equality that developed in the late eighteenth and nineteenth centuries as the framework for the unfettered operations of industrial capitalism, and Principle II defines the standards of social justice to be used in mitigating the inequalities and hardships of those operations” (Wolff 1977, 86). But, Welfare Capitalist or not, since validity is independent of origin, what specifically do Rawls’ Left critics believe to be wrong with these principles of justice? In what ways are they judged to be mistaken or inadequate principles of justice?

We will begin with the equal liberty principle (the first principle of justice). For Rawls the end of social justice is to arrange the basic social structure of society so as “to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all” (Rawls 1971, 205). We are to strive to mold our institutions so that each person has an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. Liberty, we must remember, can, on Rawls’ account, only be justly restricted for the sake of liberty. Such a restriction “must strengthen the total system of liberty shared by all” and “a less than equal liberty must be acceptable to those citizens with the lesser liberty” (250).

This principle has been attacked from a number of directions and, while it is a crucial part of Rawls’ revisionist liberalism, it has also been thought to be the most vulnerable part of his theory. J.E.J. Altham, one of Rawls’ quasi-Left critics, usefully contrasts Rawls with Rousseau, contending that Rawls’ negative conception of liberty misses something essential to liberty found in Rousseau, namely the sense of liberty as autonomy (Altham 1975, 106–108). Rawls does not define ‘liberty’ or

give a conceptual analysis of the concept. But it is clear enough, when he is talking of basic liberties, that Rawls has in mind freedom of conscience, the right to vote and stand for public office, freedom of speech and assembly, freedom of thought, freedom to hold personal property and freedom from arbitrary arrest and seizure (Rawls 1971, 61). These are the basic liberties of equal citizenship and these are things that a person should not be prohibited from doing or (where this consideration is relevant) should be protected from having them happen to him. In considering whether a person is free, we need to consider the extent and range of things concerning which he can rely on protection from being interfered with should he choose to do them or not to have them happen to him should he not want these things to occur. If these protections are wide and if they cover what Rawls takes to be the basic liberties, then, on Rawls' negative conception of liberty, we should say that the people living under such a social arrangement are free. If an individual is so protected such that she will be at liberty to do and to avoid the above sorts of things, we will say, according to this reading of Rawls' treatment of liberty, that the person is free, that she lives in a society in which the equal liberty principle is satisfied.

However, for Rousseau and for many theorists on the Left, and even for Rawls on another reading, this liberal negative conception of freedom is not sufficient to afford moral autonomy. Suppose one is so protected and is so at liberty, there is still room to ask the question 'To what extent is it I who decides what I may or may not do?'. This question, Altham claims, "points to a different conception of liberty" than the liberal one employed by Rawls, a conception that raises the questions, largely ignored by Rawls, of political power and *de jure* authority. These issues, at the centre of attention for classical contractarians, raise the following cluster of questions: who has the *right* to decide what we may or may not do, who in fact has the *power* to decide such questions and who (if anyone) has the *authority* to decide them? If we live in a society which has a rigid caste system, an elitist aristocratic class or a ruling bourgeois class, we might (just might), as we even might in a slave society, have elites that in some respects are liberal minded who would impose few prohibitions such that, even in those societies, the non-elites would have extensive negative liberties. They might have freedom of speech, conscience, and thought; they might even be free to hold personal property and be protected from arbitrary arrest and seizure. Under class-controlled bourgeois democracies, the subordinate class would even have the right to vote and have freedom of assembly. But, as long as there was some kind of ruling class or a ruling elite, the subordinate class, even where it enjoyed a wide measure of liberal liberty (its behaviour was, as a matter of fact, not much interfered with), would lack *moral autonomy*, the liberty Rousseau and Marx are most centrally interested in, for this class would still lack the authority and power to determine what it was and was not free to do. People, the elites apart, could not determine what should not be on the list of basic negative liberties. They would not be in a position to determine which activities they can rightly be prohibited from doing. In a very fundamental way, they would not be in control of their own lives.

Rawls would surely respond that he has assumed a constitutional democracy where one of the basic liberties is equal citizenship rights. But this, as we can see from his discussion of J. S. Mill's idea that the intelligentsia might be allowed more votes than other citizens, shows that Rawls still (typically at least) regards such liberty, and the associated idea of autonomy, as one liberty among others in the total system of liberty, a liberty which might rightly be traded off to gain more of the other liberties. Even where we are considering only basic liberties there is the above trade off between them. But if one is a Rousseauian about the importance of liberty as autonomy, then one will not regard the "opportunity for effective political participation" as "just one liberty among others" (Altham 1975, 106). By contrast, if, as Rawls does, we conceive of liberty "as the absence of prohibitions and protection from interference in one's doing what is not prohibited, the possibility of participating in politics appears as intrinsically just one liberty among others" (106). However, with the Rousseauian position, liberty as autonomy has pride of place in any system of liberty. If we agree with that and if we further agree that for a society to be just people must be free, then we will, from the very beginning, and unavoidably, be concerned with a task Rawls' shirks, namely we will be concerned with questions of power and authority. If human beings are subjects but "not part of the supreme authority" which governs their lives, then they are not autonomous. Even if their masters are benevolent and farsighted, they, as subjects of these masters, are still not free moral agents or, if you wish to be more cautious, you will say their freedom is very severely circumscribed.

This first criticism comes to pointing out that, given the close link Rawls draws between liberty and justice, justice could not be attained in a society lacking Rousseauian autonomy. In the society in question, there must, for everyone of normal abilities, be an effective control of their own lives for that society to be just, but, given Rawls' liberal conception of liberty, his two principles of justice could be satisfied and autonomy might still not be attained for vast numbers of people. Thus, his principles of justice, interpreted as Rawls (at least most of the time) interprets them, could obtain and a society living in accordance with them could still be thoroughly unjust. The thing here, if we accept Altham's argument, is not to reject Rawls' first principle of justice but to give it a different reading in which a necessary condition for the attainment of equal liberty is the attaining of equal moral autonomy. But this means that problems of political power and authority must be squarely faced.

Furthermore, as Altham adds, if we stress the centrality of such Rousseauian autonomy, this conception will have "far-reaching consequences for equality", and consequently for Rawls' second principle of justice. If there is much inequality of wealth and social position, there will be an inequality of power and consequently an inequality of authority and an undermining of equal autonomy and thus of the equal liberty principle. Such inequalities, as Rousseau realized, tend "to put the poor in the power of the rich, so that a poor man's share in sovereignty becomes purely notional" (Altham 1975, 106).

## III

Not all Left critiques have taken Altham's direction and some would no doubt argue that the above critique makes Rawls into a bit of a strawman. My own belief is that, in that very big book with its long gestation period, Rawls said many things and there are diverse conflicting strains in his thought. Most strikingly, there is a conflict between a Hobbesist and a Kantian side. It is, moreover, far from clear whether these conflicting strains can be reconciled. Whether or not, with a careful reading of Rawls, such a reconciliation is possible will not be my primary concern. Whichever strand is stressed, my concern shall be with whether Rawls' account, on any plausible reading, can pass muster and whether it reflects some form of liberal ideology.

In an important article, "Classical Liberalism and Rawlsian Revisionism", Elizabeth Rapaport, unlike Altham, takes Rawls to have a roughly Rousseauian/Kantian conception of autonomy which accommodates what Rapaport takes to be his communitarian conception of human nature (Rapaport 1977). Rawls, she argues, has understandably but mistakenly been taken to be a classical individualist. She remarks that "Hobbes employed the contractarian methodology to isolate the truths of psychology from which he could deduce a naturalist and egoist morality. Rawls' construction is misread if it is assumed that his original position is a device for isolating an egoist psychology from which moral principles are to be inferred. Rawls uses the device of the original position in order to isolate and group both the moral and morally relevant empirical premises from which the fundamental principles of morality are to be derived. The persons in the original position are conceived as moral *ab initio*. Their project is to isolate the basis of their moral sense, their conception of fairness." (111)<sup>3</sup>

In rejecting the idea that Rawls has a *classical* individualist programme and in contending that he actually had a communitarian conception of human nature, Rapaport points to a passage in Part Three of *A Theory of Justice* where Rawls rejects an account of the sociability of human beings in terms of such an instrumentalist conception of society where society is simply taken to be a cluster of institutions "necessary for human life" or institutions such that by "living in a community men acquire needs and interests that prompt them to work together for mutual advantage in certain specific ways allowed for and encouraged by their institutions . . ." (Rawls 1971, 522) Instead Rawls claims that we must come to recognize that "human beings have in fact shared final ends and they value their common institutions and activities as good in themselves. We need one another as partners in ways of life that are engaged in for their own sake, and the successes and enjoyments of others are necessary for and complementary to our own good" (522–3; see as well Rawls 1975).

Rapaport, unlike Altham, sees Rawls as operating with a conception of liberty as autonomy, but she also realizes that Rawls does not have a clear conceptualization here and that his conception of liberty is in some ways close to that of classical liberalism (Rapaport 1977, 112–3). He has a conception of good which is pluralist and, like Mill, he closely ties the determination of what is good to what individuals reflectively desire. Operating with this pluralistic conception of good, his principle of

equal liberty “is a principle of right which sets the limits of social interference with an individual’s choice of values and pursuits” (113). While he is in some sense an objectivist about deontological principles (the principles of justice and of right), he is at least a methodological non-objectivist about teleological principles or ends, i. e. judgements concerning what is good or desirable. “He denies”, as Rapaport rightly puts it, “that one conception of the good, one dominant end, can be shown to be the appropriate end of all persons” (113). What morality requires, Rawls stresses, in good liberal fashion, is that people be free to pursue their own diverse ends, no matter what they are, so long as they do not interfere with the freedom of others to do likewise. If they are in accordance with the principles of justice, there is no way of criticizing them morally or judging them to be irrational no matter what they are. If a person’s end in life is to pick four leaf clovers, or for that matter to pick his nose, there are no Rawlsian grounds for criticizing his end or claiming it really isn’t a rational life plan, if it does not violate Rawls’ principles of justice or any of our natural duties or any political obligations we may have assumed.

However, Rapaport continues, this is not the whole of the story for Rawls. In particular we should note that the above story misses his Kantian side. (Here Rawls’ Section # 40, ‘The Kantian Interpretation’, is crucial.) Since, Rapaport remarks, for Rawls “human nature is communitarian, *life* plans, Rawls’ term for an individuals’ pattern of goals, are social” (113). In a way which shows his indebtedness to Kant, Rawls argues that “a person is acting autonomously when the principles of his action are chosen by him as the most adequate expression of his nature as a free and equal rational being” (Rawls 1971, 352). We cannot, that is, act autonomously when we violate the principles of justice. We must, to act autonomously, have a proper regard for our fellow human beings; we must treat them as equal members of a kingdom of ends and we must, if we are to act autonomously, regard all human beings as persons of equal moral worth. Rapaport reads Rawls as contending that we “cannot express our practical reason, we can only distort and frustrate it, if we do not respect the equality and autonomy of others. Morality is not the servant or device of selfish interest, but the expression and mutual recognition of a common human nature” (Rapaport 1977, 114). There is no way, for Rawls, anymore than there is for Kant, for one to be an autonomous agent and have a rational life plan which overrides the requirements of morality. (Rapaport is not claiming that Rawls’ view here is sound. She is only trying to show what it is.)

Rapaport, unlike Altham, Esheté, MacDonald, MacBride and Doppelt, pursues a purely internal line of criticism. She proceeds to argue that this non-individualistic liberalism comes to grief because “Rawls’ notion of autonomy is incompatible with his notion of community”. But, she rightly stresses, to properly understand either we must come to understand the role his key concept of self-respect plays in his system. She turns to an elucidation of that crucial concept.

We should recall that self-respect for Rawls is the most important of the primary social goods, though its purely or even principally instrumental status needs to be, and indeed has been, queried. Rawls characterizes self-respect as a “person’s sense of his own value, his secure conviction that his life plan is worth carrying out” and “a con-

fidence in one's own ability, so far as it is within one's power, to fulfill one's intentions" (440). For its secure support, two conditions must be satisfied: (1) our plan of life must satisfy the Aristotelian Principle and for this principle to be satisfied for most people they must have work and activities which challenge their capacities and abilities, (2) others must confirm "our sense of worth by their appreciation of our abilities and achievements" (Rapport 1977, 118). This second condition requires a genuine community (*Gemeinschaft*) for its realization, where, for individuals to have self-respect, others must be willing to join with them either in the pursuit of, or in the appreciation of, at least, some of the activities central to the realization of the individual's life plan. For the self-respect of any individual to be secure, others must stand in such a supportive relation to him. Rawls refers to such voluntary associations as social unions. It will be a union which "facilitates our enjoyment of the realized capacities of others, and in particular of those that are complementary to our own realized capacities in cooperative freely chosen activity" (Rapport 1977, 115; see Rawls 1971, 428 and 528–9). The examples Rawls gives are families, friendships and groups that work together in the arts and sciences. The family is clearly the most important exemplar.

Since any choice of principles made in the original position, or by real people after the veil of ignorance is lifted, should, according to Rawls, be in accord with an accurate account of social reality, we need to know, Rapaport remarks, "whether the basic institutions of society are social unions in Rawls' sense and usage" (115). But, as soon as we ask that, Rawls's account is in trouble. Rapaport points out, as Doppelt and Esheté do as well, that in our societies most "gainful employments do not require or permit the realization of Aristotelian capacities. They are undertaken for the sake of compensation, not for the sake of the activity compensated" (116). Rawls simply does not face questions about the distortion of human personality and the undermining of self-respect in most modern work situations. Central portions of our lives are taken up in work, but most people do not find anything even remotely like a social union in their work. Rawls, as Wolff has quipped, generalizes too easily from the life of a university professor. Work, in societies such as ours, is typically undermining of self-respect, and thus of autonomy, rather than supportive of it. What there is of meaningful work is anything but equally distributed.

Rawls, no doubt, would respond that this is in part compensated for by "the communitarian nature of the human personality". We recognize that we have different talents and different natural endowments. We can come to enjoy the talents and share in the achievements of others and we all, whatever our natural endowments, "can transcend the limits of our own finitude through communal dedication to shared goals" (Rawls 1971, 522–5). But Rawls' pluralism clashes with this defense. We have, as he also stresses, many distinct goals, life plans and values. Pluralism brings exclusion. As people in such a social union of social unions, as people in a Rawlsian pluralistic community, we cannot have any overarching shared goals that we should be committed to, no dominant ends or *socially* preferred life plans. In this way his conception of the world is very different from that of a Marxist or a Catholic or, for that matter, of a Fascist, and it is very characteristic of liberalism.



In this connection, we should recognize that there is considerable social stratification in our societies and societies recognizably like ours; this leads to a sharp sense of social status and to exclusion and consequently to people, at least on the lower end of this spectrum, having a sense of self-deprecation and a loss of self-respect. People, in such societies, will not, by any means, have the same, or even very similar, opportunities for self-realization and an enhancement of their sense of self-respect. A lawyer shares in very different activities and has rather different shared goals than a parking lot attendant. The various projects in such a pluralistic society are not integrated into a universal cluster of goals. Many will just feel their unfitness, their uselessness and come to develop a debilitating conviction of their unworthiness.

A conception of autonomous life planning, where it is understood in a liberal individualist way as each person selecting his own personal goals, each doing his own thing, will not give one the kind of autonomy that goes with communitarian commitments, where communal ends are inescapable and individual life plans must be fit into a conception of a common plan with common ends and associated activities. Liberal freedom and liberal autonomy lose applicability in a communitarian society. We cannot have such a society and still have such radical individualism. "The value of autonomy", as Rapaport puts it, "must be transformed into the value of participation in the formulation of a common plan for social unions with which an individual is associated" (118). Here we come closer to the Rousseauian conception of liberty as autonomy "for not to participate in common planning is to lose an affective say altogether" (118). But now we are back to a problem stressed by Altham, namely that we would have to face questions of political power and legitimate political authority. No one, where such participation and cooperation is seen as essential to autonomy, can continue to operate in terms of a radical individual autonomy. Liberty is not just to be able to do what you want where you are not harming others, but liberty necessarily involves people, as part of a community, cooperatively shaping their own collective life plans, where people meet together as equals and are willing "to collaborate, compromise and be outvoted" (118)<sup>4</sup>.

Such a conception of autonomy eludes the criticism of what Altham calls liberal liberty (negative liberty on a individualistic model), but it also is incompatible with Rawls' pluralism and individualism. Questions would have to be raised, on such a reading, about whether there was in Rawls' revisionist liberalism one acceptable common vision of the good life that we should commit ourselves to. Moreover, we could not, about the ends of life, urge, or even take as permissible, that everybody does his own thing, for on this "participation model of autonomy" (to use Rapaport's name for it), "we can only discover or construct our ends in community. A communitarian being cannot in principle have ends other than those that are the product of common planning, because it is a structural feature of his ends that they are social ends of a community" (118–9). The individual cannot appraise these ends by reference to purely personal ends. We can, and should, reason and dispute about communal projects, but the criteria for their appraisal must be in communitarian concepts of men participating as autonomous communal beings in a kingdom of ends. We need, that is, a holistic view of community to afford us relevant criteria.

But this is a view of community that forces on us a consideration of some conception of a dominant cluster of ends. But Rawls wants to reject *any* such dominant end view; and indeed any such view is plainly incompatible with his pluralism and with liberalism at least as it has been historically understood. For autonomy to be genuine, for it to have the Kantian/Rousseauian quality Rawls desires, we must abandon our commitment to such a pluralistic communitarian society; we must, that is, reject liberalism and articulate a conception of a holistic communitarian society which is devoted to some conception of dominant ends and thus is in an important way collectivistic without being a society which would destroy individual liberty.

#### IV

The argument thus far has been designed to show that we either stick with the negative liberty of individualism in interpreting Rawls' first principle of justice and end up with something which plainly will not afford a justificatory basis for the kind of autonomy we would reflectively desire, that would, if you will, match our considered judgements in reflective equilibrium or we adopt a Kantian/Rousseauian reading of liberty as participatory autonomy, in which case we get a principle which is incompatible with Rawls' theory of the good and with liberalism. As Norman Daniels has pointed out, Rawls' first principle of justice calls for rather different things depending on how liberty is defined (Daniels 1975). Depending on which definition is accepted, we get a very different theory with different political consequences.

Rawls' contractors are supposed to be conversant with the general theories about man and society and they are supposed to know the general facts about society and about how human beings behave. But then they should know that in fact in all manner of societies, there have been great restrictions on personal autonomy and that, to a very considerable extent, the diminishing of personal autonomy goes hand in hand with a high degree of material wealth concentrated in the hands of a minuscule proportion of the population and that this state of affairs can obtain even though there are in existence extensive and widespread formal liberties. Rawls does say that a just society will not tolerate widespread divergencies in wealth, but he is not a critic of capitalism. He does not recognize that such extensive disparities of wealth, power and control are endemic to capitalism. However, given his belief that an adequate moral theory must incorporate knowledge about social theories and facts (facts of general import), and given his stipulation that contractors must have that knowledge, there can be, on Rawls' part, no bypassing such claims. But then we cannot, as Rawls does, non-ideologically split off a consideration of the political sphere from the economic sphere and we cannot so separate, with such a strict priority rule, the first principle of justice from the second, for questions about economic distribution and control are directly relevant to whether equal autonomy is achievable. Rawls mystifies (ideologically distorts) things by his typical liberal separation of the political and the economic.

Gerald Doppelt pushes such general considerations further, translating them more into the concrete (Doppelt 1975). Like Rapaport, Doppelt recognizes that Rawls at times embraces a “broad rich concept of freedom” – what Rapaport called a Rousseauian “autonomy as participation” – which (in Rawls’ own words) includes “the desire of human beings to express their nature in a free social union with others” (Rawls 1971, 543). However, Doppelt continues, “when Rawls comes to specify the concrete reality of equal liberty, its meaning is reduced to the civil liberties and political rights already characteristic of western capitalist democracies” (Doppelt 1975, 27). But without political and economic autonomy, without actual institutionalized Rousseauian autonomy, one might have freedom of speech but still lose one’s job for speaking one’s mind or be placed in a position where one is not in a position to speak one’s mind except to oneself. Even to stress the free choice of occupation, as Rawls does, is of little avail in capitalist or statist societies because in whatever occupation people end up in there is, with very few exceptions, little in the way of democratic control of the work process. “Rawls’ detachment”, Doppelt argues, “of the concept of liberty from the organization of daily economic life deflects our attention from the ways the aspiration for ‘free social union’ and rights of political participation are systematically thwarted within the prevailing economic relations” (28). With such a circumscribed conception of liberal liberties, there cannot be an extension of liberty such that the aim of Rawls’ first principle can be achieved, namely to have the most extensive system of equal liberty possible. Doppelt, sensitive to ideological influences, proceeds to remark that “under capitalism, the concept of democratic rights and liberties must be detached from the organization of productive life, for capitalism is by definition the system in which a particular class governs the major decisions concerning the details of productive life” (28). Rawls’ theory here is plainly ideological. It simply uncritically reflects the realities of the socio-economic organization of life under capitalism. Failing to see that this is what he is doing and indeed what the realities are, Rawls, in a reified form, in effect normatively celebrates this social structure without seeing how it undermines genuine autonomy and self-respect. If, striving to extend liberty, we move away from Rawls’ narrow specification of negative liberties to his “broader notion of freedom as determining one’s own life” and, if we treat that notion seriously, the problem of the compatibility of any form of capitalism with equal liberty will be posed in a stark form. To attain such equal liberty, we must, have something which not only prohibits “the undemocratic domination of political life” but also “the undemocratic domination of socio-economic life as a whole” (28). Equal liberty for all citizens within a country entails “constitutional rights to (1) the democratic control of economic life as a whole (what is produced for whom, etc.) and (2) a division of labor and authority within particular work-places allowing all workers certain liberties and democratic functions on that level” (28). This, of course, is something that would obtain in a genuine socialist society (though not under ‘state socialism’) and could not obtain in a capitalist society.

## V

We have already, in discussing Altham's critique of Rawls' formulation of his first principle of justice, shown how Rawls' avoidance of the question of power bedevils his account of this principle, but his neglect of power also plays havoc with his appeal to maximin and his employment of the difference principle. Gerald Doppelt brings this out with considerable force and we shall follow out his argument here (28).

Doppelt points out that, as Rawls structures "his maximin principle, it may entail the justice of significant levels of structural unemployment just in case they are necessary to raise the 'social minimum'" (10). But this will make for hierarchies of power and prestige within the society. Even if the income of a welfare recipient, an assembly line worker, a forester and a teacher are the same, their power and prestige and level of authority in the community will not be the same. The welfare recipient will in reality be considerably disadvantaged and with that his self-respect and his control over his own life will be adversely affected. Again, in typical liberal fashion, Rawls underplays the effect that inequalities in economic power and control have on people's lives. "The only form of hierarchy that Rawls attempts to exclude is an undemocratic hierarchy of political authority in the organization of the state" (11). Maximin can be fully realized with deep inequalities of power still persisting. Initially in discussing the primary goods and in considering how they are to be balanced, Rawls, as Doppelt points out, considers, in thinking about the difference principle, the distribution of "the powers and prerogatives of authority" as well as of income (Doppelt 1975, 11; Rawls 1971, 93). Rawls sees clearly that inequalities in wealth and power tend to go together, but, in concentrating so exclusively on income in determining the levels of advantage, he fails to recognize how we could maximize income for the most disadvantaged and still leave them with less power, authority and control over their lives than equality or a greater equality than that sanctioned by the difference principle would give them. Rawls assumes that income is so closely correlated with power and authority that no serious indexing problem arises for the primary goods (Rawls 1971, 97). But Doppelt's arguments about how we could have the same or very similar levels of income with rather different positions of authority and power make Rawls' claim here problematic. Moreover, it is not clear how power, in contrast with income, is "coherently amenable to regulation by a maximin principle" (Doppelt 1975, 9). It is evident enough how an inequality of income could give everyone more income than they otherwise would have, but it is not evident that an inequality in power or authority could give everyone more power or authority than they otherwise would have. To claim such a thing appears at least to be nonsense. There is no possible way in which an inequality in authority could give everyone more authority or more control over their lives than they would have if they stood in positions of equality. Thus the appeal to income does not appear simply to be a simplifying device on Rawls' part, but as something essential for the working of his second principle of justice, for without it maximin doesn't even appear to have a coherent application. But this issue is easily lost sight of in

Rawls' account for, after its initial consideration, questions of power and authority simply drop out of sight in considering Rawls' difference principle.

The primary good of self-respect also provides problems for Rawls' difference principle. Late in *A Theory of Justice*, Rawls allows, as an unwelcome complication, the primary good of self-respect to be figured in the calculation of the expectations of advantage and disadvantage of the worst off. Doppelt remarks that this is in effect "to demote self-respect to the status of another economic advantage, on a par with income or wealth, to be balanced off against the latter in maximizing the overall material interests of the worst off" (12). But this conflicts with Rawls' treatment of the equal liberty principle. The most fundamental reason for the priority of the equal liberty principle with respect to socio-economic benefits was that it was supposed to guarantee an equality of self-respect. Doppelt rhetorically queries: "If social justice forbids the balancing of equal liberty against economic benefits, how could it possibly permit equal self-respect to be so balanced and compromised; especially in Rawls' system where it is precisely to preserve equality of self-respect that equal liberty is elevated above the calculus of maximin's material benefits in the first place?" (13)

Rawls also fails to recognize, as we saw earlier, how a capitalist organization of society, maximizing the income of the worst off (giving them, in terms of income, the best worst position in society) may not, in certain very crucial respects, make them better off than they otherwise could be, for, in a society stratified and organized so as to maximize their incomes, they will still need, as does every society, healthy food, clean air, adequate housing, decent transportation, a pleasant working environment and an environment for a non-stressful life. But these may very well not be purchasable at all or at prices they can afford to pay in such a cultural environment. Very little is obtained by maximizing the income of the worst off compared with what could be obtained if society were structurally transformed in certain other ways. Thus, it is far from clear whether it is the case that so sticking by the difference principle is the fairest way to arrange our social institutions. There is alterable social poverty that is not captured by the *difference principle* or the *difference principle* in conjunction with Rawls' other principles of justice. Indeed relying on such a principle may help impede the altering of such conditions by making it appear that such conditions are not unjust. Moreover, even if such social inequalities did not "violate equality in the social bases of self-respect", such "inequalities in the access of various social classes to the minimal amenities of a respectable standard of living in our culture would still constitute a serious *prima facie* injustice even if these inequalities maximize the income of all" (15).

Even if some super Welfare State could deliver a package of welfare goods for the most disadvantaged which would give them, in terms of our stage of socio-economic evolution, a decent welfare package so that their standard of living was adequate, still, if they only had an income meeting the standard of the difference principle, doled out by the government as welfare payments, this would still be an affront to their self-respect and to their dignity and autonomy as human beings.

We should recognize that within a capitalist society governmental welfare cheques or Rawlsian-type transfer payments are not viewed as being just another source of income “on a moral par with wages, salaries, or income from capital” (21). Instead it is taken as a dole, a form of charity, to the most disadvantaged. A welfare state society is very different from a socialist society where there would be a cluster of fundamental goods and services upon which all could equally depend and which would be taken as a *right*. It would be a base, constantly increasing as the social wealth of the society went up, that would be assumed by all, as we now assume equal formal citizenship rights.

Doppelt remarks appropriately enough that

“Rawls’ welfare state seems to preserve what to my mind is one of the most invidious social distinctions within our society: the distinction between those who can achieve a decent, respectable standard of living or better on their own (i.e. by their own labor-power or property) and those who cannot get by without a dependence on welfare, food stamps, special governmental services, etc. In Rawls’ reformed capitalism, even if the material situation of the worst-off improves, their social situation and relation to those better-off is unaltered; these worst-off remain dependent on the taxes, good will, and “public-spiritedness” of the better-off, while the better-off are seen as depending on no one but themselves” (21).<sup>5</sup>

Finally, Doppelt makes a point in the context of discussing Rawls’ *difference principle* that Fromm and Marcuse have stressed in a wider context. In capitalism “a culture of scarcity engenders a preoccupation with relative economic position and making one’s way up or at least holding the line in the world of possessions” (21). In such a context our conception of an adequate standard of living will get relativized and will require a constant upgrading. The consciousness industry will make it plain that various scarce commodities that are beyond the reach of the worst-off are very much needed indeed. The scarcity of these goods is translated into a scarcity of self-worth. “Because capitalism requires the dynamic expansion of the market, the norms of consumption implicitly identified with these positive qualities are constantly raised and redefined, guaranteeing that, with or without ‘maximin’, many must live with the awareness that ‘the good life’ is always beyond their pocket book” (23). The short of it is that the *difference principle* could be satisfied, even in societies of moderate scarcity or relative abundance, and gross social injustices could still remain in the society.

Doppelt has argued that Rawls’ methodology is faulty because Rawls fails to account, in articulating his principles of justice, for complex sociological facts about social structure and the workings of a distinctive society. Like Bernard Williams and Robert Paul Wolff, he sees Rawls’ account — and the same thing is even more evident for Nozick — as abstracting too severely from the thick texture of social life. The inadequacy of this apolitical and asociological approach is nowhere more evident, than in his use of maximin and the *difference principle*.

## VI

Benjamin Barber has a similar attitude to that of Doppelt. However, he faults Rawls not only for not having an adequate political sociology and for proceeding apolitically but for proceeding ahistorically as well (Barber 1975). These conceptions all hang together, but in finishing this survey I want to state a distinctive and indeed a powerful argument Barber sets out against the *difference principle* in terms of the ahistoricism of Rawls' approach.

Accepting, simply for the sake of the present discussion, the claim that "income may provide an approximate measure of the least advantaged", Barber argues that we cannot take for granted, as does Rawls and many of his critics as well, the social setting "within which incomes vary" and then, in this settled situation, dispute "concerning the hypothetical point of maximum equality on a fixed time-blind curve" (Barber 1975, 304). We cannot justifiably take this social setting as fixed and unchanging, but, all the same, it is very often simply assumed that both Rawls' ideal contractors and rational informed agents can, without reference to time, place, and any putative laws or theories of social development, determine what is the maximum point of equality compatible with the application of Rawls' two principles of justice. Rawls just assumes that as do many of his critics as well.

Barber displays three graphs, one representing Rawls' characterization of the situation, another taking into account periods of rapid, disruptive unionization (exemplifying problems of incremental change) and a third taking into account a period of socialist revolution (exemplifying problems of radical structural change) (302–308). With these different graphs representing these different models of societal development, we get, using Rawls' two principles, different points of maximum equality. What would be the just and rational social structure to advocate cannot be ascertained independently of ascertaining what is the more likely course of our social evolution. This would require an understanding of historical conditions and the utilization of some methods for accounting for historical realities that are quite foreign to Rawls' ahistorical approach which tried to set aside such considerations (304–309). "The point", as Barber well puts it, is that "the judgement concerning the point of maximum equality cannot be made in a timeless void, as Rawls seems to think it can. It must be reached in the context of a particular time and particular place where the relations between [the most advantaged and the least advantaged] conform to some developmental laws — laws which may or may not be generally known and understood" (306). Rawls' account, with his predilection for maximin, is not only unhistorical and undialectical but in an important way actually anti-historical. It is predisposed toward inertia. His utilization of maximin would favour a maximin which would forego a historically possible but still uncertain maximum that could emerge from sharp class conflicts in a struggle for unionization or revolutionary struggle. Rawls, a wag might remark, is committed to Nannie's advice to the little boy standing before the lion's cage, 'Hold on, hold on to nurse for fear of finding something worse'. "Just men", Barber remarks, "might thus, against their instincts to be sure, find themselves obliged by justice as fairness to act as strike-

breakers and scabs — a most melancholy and ironic consideration” (307). Indeed his “anti-historical formalism might even, as history pressed forward, compel him to favor the restoration of property to the capitalist-owners” during the latter period of socialist consolidation, before classlessness had been achieved when “the capitalist class would qualify technically as the ‘least-advantaged’ class” (308). Like Doppelt, Williams and Wolff, Barber believes that Rawls’ formalism simply immunizes him to sociological modes of understanding” (309). Rawls’ approach, eschewing political sociology, is ahistorical and insufficiently political, and with that is in effect committed to a celebration of the present. Barber succinctly summarizes his views here about the *difference principle* and I shall end this section by citing them.

“I am not trying to suggest that Rawls intends to rationalize capitalism. The maximum rule is conservative *vis à vis* all modes of change: it favors propinquity, whatever the time and place. In this sense its abstract formalism is particularly salient, being adverse to risk *per se*, whatever the historical context. As a result, the difference principle is simply incapable of establishing a point of maximum equality except in a timeless vacuum where neither history nor social theory need be confronted. Under abstract conditions of maximum stability, enduring tranquility and minimal structural change, identifying a static point of equality may be possible; but under the real conditions of evolving societies forever being transformed by the dynamics of economics and history, it is quite beyond the static projections of maximin” (308).

## VII

We have sympathetically set out and in some measure examined a reasonably representative set of those Left critiques of Rawls which have concentrated their critique on his principle of justice and on his conception of liberty and self-respect. Rawls’ account is complex and it has proved resilient when faced with a variety of persistent probings. (His responses to Teitelman, Lyons and Harsanyi exemplify that.) It is not completely clear to me that there *may* be resources within Rawls’ theory to meet some of this critique or that perhaps a not inconsiderable bit of what he has said might not be modifiable into an account which would respond to Marxism more positively than he has done hitherto. It is clear enough, however, that Rawls very much needs to end his reticence about Marxism and more sociologically oriented and less ahistorical ways of doing moral and social philosophy and to confront the issues we have discussed. It seems to me, when we reflect back on them as a whole, that, in spite of what are no doubt particular defects in some of these arguments, together they make it evident that such a revisionist liberalism relying on such principles of justice is on very shaky grounds indeed. I say this in the face of my above remark that there *may* be resources in Rawls’ account to meet such a Left critique. For, if there are, he has yet to give a hint how they are to be met. We have, to take a crucial part of it, not been given good grounds why it is, if it is, that rational contractors in the original position are to adopt just Rawls’ principles in just his priority relations for conditions of moderate scarcity. Moreover, if, like Rawls, our most fundamental commitment is toward an equality of condition in which all human beings



are morally autonomous, equally live in a condition where they can, in fraternity and solidarity with each other and practicing the reciprocity that would go with it, and with mutual respect, control the design of their own lives and can, without self-deception, have a sense of their own worth, then this very condition cannot be achieved with the inequalities in condition allowable by his difference principle. Furthermore, someone with that commitment cannot remain indifferent to the choice between socialism and capitalism, for such a condition of moral autonomy and extensive self-respect cannot be achieved in a class society. Perhaps it cannot be achieved at all, but it surely cannot be achieved in a class society. It is impossible for a capitalist society to be so organized that there are not, across class lines, considerable inequalities in wealth, social position and power. Even with an equality in civil rights and equal formal citizenship rights, there can be, given the differentials in economic power, no effective political equality in capitalist societies. Even equality of opportunity is a will-o'-the-wisp in such societies. Moral autonomy, if it means anything at all, means control over one's own life; and to achieve an extensive moral autonomy (after all moral autonomy admits of degrees) means, as Rapaport well argued, not just to be able to do what you want where you are not harming others but it involves people, as part of a community, shaping their own individual and collective life-plans, where they can come together as equals and are willing to collaborate, compromise and be outvoted. This is the condition of life that we must be in if we are to have anything approximating full moral autonomy. But this condition cannot be achieved under any capitalist organization of society. Even the vision of life in liberalism can hardly give us this, even in its very vision, for, with its pluralism and subjectivism about teleological principles (conceptions of a good life or desirable ends), there can be no overarching shared goals, no socially preferred life-plans, that serve as a vision of life that morally speaking we *must* give ourselves to and which will, in a sense, enable us to transcend our own finitude, i. e., our subjective choice. In rejecting any dominant-end theory, Rawls is committed to a methodological subjectivism about teleological principles. There can be no conception of the good life that, morally speaking, all rational and properly informed people, *must* commit themselves to.<sup>6</sup>

We should be cautious and reflective in responding to this. There is a tendency very sharply to take sides here and to claim that one or another answer is evident. It is my belief that any response here should be tempered and not without ambivalence. We are dealing with old and complicated issues — issues that can in a sense be said to have divided Plato and Mill. We can and should object to 'establishing' pluralism and liberalism by methodological fiat, but we should also keep firmly in mind that in the history of moral philosophy attempts to establish dominant end theories have not been notable for their success.

However, Marxists can surely reply that, however difficult it may be to show that there are abstract sets of principles which would establish the foundations of moral philosophy, that, foundations or not, the conditions referred to above are concrete conditions within our particular societies, at their particular stage of development, which are morally speaking through and through unacceptable. On any ethical the-

ory which purports to guide conduct and to square with our considered judgements – considered judgements of bourgeois and non-bourgeois alike – a high priority will be placed on delineating a just society and human society as a society in which people can reasonably be expected to have a firm sense that their life-plans are worth carrying out and that it is within their power to carry them out. It will be a society in which, generally speaking, when our intentions are not harmful to others, or acting on them will not tend to have effects which are harmful to others, we can fulfill our intentions. People will have a say in how they shall live their lives in all the domains of their lives and collectively they can shape and control their own lives. At long last there will actually be a genuine democracy, including, of course, industrial democracy. Such notions are an essential part of a reflective conception of a just and human society. Cultural pessimism about its achievability, or its compatibility with liberty, will also be pessimism about the very possibility of a just society.

What Rawls, who would square his own account with social realities, does not at all face is the Left claim that the organization of work under capitalism makes it impossible for anything other than a few people to have, without massive self-deception, anything like the above in the living of their lives. The work situations of most in capitalist societies distort their personalities and undermine their self-respect. Moreover, we do not need a fancy ethical theory to show us that this state of affairs is not something to be desired. And it will not be ethical theory which will show us, if indeed this can be shown, that this is not just a feature of capitalism – though it is that – but a feature of any industrial society. The claim is, on the part of opponents of socialism, that it is part of the price of buying into industrially organized societies. But this is not an issue to be resolved by moral reflection.

Rawls rightly attaches great importance to the good of self-respect and to liberty, but then he should recognize that we cannot detach our conception of liberty, if it is to be anything like an adequate conception, from our conception of the proper organization of economic life. Questions of the control and rationale of economic production, as well as the distribution of its products, are directly relevant to such moral questions. It is ideological mystification to split off considerations of the political realm from considerations of the economic realm and it is also ideological mystification to think that reasonable discussions of liberty can be split off from such economic considerations. People's rights of political participation are pervasively thwarted by the prevailing economic relations. And this in turn thwarts their human flourishing.

Compared with more traditional analytic moral philosophers such as Stevenson, Hare, Nowell-Smith or Foot, Rawls is very much for impurity in philosophy (Nielsen 1974). He recognizes that any serious normative ethical theory needs to have a good understanding of the workings of society. It must have a grounding in general facts and in social theories and in such general knowledge of society as there is. But here his preaching does not square with his practice, for, as Williams, Doppelt, Daniels, Barber, Rapaport and Altham have shown, it is his extensive ignoring of social facts and sociological knowledge which has been the undoing of his theory. A more adequate normative ethical theory will not be so innocent of political sociology,

so ahistorical and *in intention* so apolitical. It will seek to know something about our social evolution, if that is the right word for it, and to achieve an accurate understanding of complex sociological facts, social structures and the dynamics of society. This practice, if carried out, will change the face of ethical theory, but that, given its track record, is not something to be regretted.

#### Notes

- 1 See the bibliographical note at the end.
- 2 Elizabeth Rapaport (1977) documents this and interprets it perceptively. See, as well, articles by Macpherson and MacDonald listed in the bibliography.
- 3 Brian Barry (1978) makes a similar point about Rawls in the context of assessing Wolff's critique of Rawls.
- 4 Notice how radically different this is from the restricted conception of liberty championed by libertarians such as Nozick and Narveson.
- 5 Surely this is true of Welfare State Capitalism. Whether Rawls' theory is committed to such a society is another thing again. But it is not inappropriate to press the point, as Doppelt does, that, given reasonable empirical constraints and an adequate political sociology, it is evident that Rawls' conceptions must have some such application.
- 6 It could, and perhaps should, be said that here I am being utopian and in effect deploying a double standard. It is, a cultural pessimist could remark, foolish utopianism to think that there is some conception of the good life that all rational and properly informed people would agree on even under ideal conditions and, while I tax Rawls with ignoring sociological realities, I certainly do not explore the consequences for liberty of my form of egalitarianism. If I would be tough minded about the empirical facts, I would not be so optimistic about the compatibility of liberty and equality. I do not think I am being either utopian or that I am employing a double standard. But these are complex issues which I shall return to on another occasion.

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\*\* Some of the authors, whose articles I say have a 'Left bearing', may not wish to identify themselves politically at all or they may wish to identify themselves as Social Democrats or Left-leaning liberals. One, I suspect, may even think of himself as conservative. My claim is only that these articles, whatever may have been their author's intentions, have a Left-bearing vis-à-vis Rawls and vis-à-vis the appraisal of liberalism generally.

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